

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action notes that claims 37-48 added by the previous amendment read on the elected species, and therefore are appropriate for consideration.

The Official Action objects to the drawings for failing to include the reference "6A". Please note that applicants include herewith an amended version of Figure 3. Figure 3 is amended solely by replacing the original reference numeral "6" with combination reference numerals "6A/6". This conforms fully to the use of such reference numerals in the application as originally filed.

Specifically, the application uses reference numeral 6 in connection with Figures 1-3 to describe the prior art on pages 1-5 of the specification. On page 11, as part of the Description of Preferred Embodiments, the original application notes that the first embodiment of the invention comprises the same mechanical structure as that of Figure 3, but uses a new composition for the light absorbing layer. Accordingly, Figure 3 is also used to illustrate the first embodiment of the present invention identifying the optical diffusion film as 6A, beginning on page 12.

Accordingly, the structure illustrated in Figure 3 is appropriately identified by reference numeral 6 for the purposes of describing the prior art and as element 6A for purposes of describing the first preferred embodiment of the invention. Reconsideration and withdrawal of this objection are therefore respectfully requested.

The Official Action states that incorporation of essential material in the specification by reference to a foreign application or patent, such as those identified on pages 37 and 38 of the present specification, is improper. Applicants note that the identification of such reference is not an incorporation by reference of essential material. Each of the identified references is in the prior art, and therefore is readily available to the public.

The present Official Action does not include a rejection for failure to meet the enablement requirement of 35 USC §112, first paragraph. However, even if that were the case, applicants suggest that the mere identification of such prior art is sufficient disclosure to provide adequate information for one of skill in the art to make and use the invention as claimed. As such, applicants respectfully suggest that it is unnecessary to amend the disclosure to include the material identified on pages 37 and 38 of the present specification.

The Official Action rejects claims 21-24 and 48 under 35 USC §103(a) as unpatentable over the prior art described on page 3 and illustrated in Figure 4 of the present application, in view of STAEHLE et al. The Official Action separately states, however, that claim 37, which depends directly from rejected claim 21, is allowable. Applicants have amended independent claim 21 to incorporate the feature of claim 37, thereby rendering claim 21, as well as rejected claims 22-24 and 48, into condition for immediate allowance. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

In addition to the stated allowability of claim 37, the Official Action explicitly states that claims 1, 2, 4-8 and 38-47 are allowed. In light of such stated allowance and allowability, the amendment of independent claim 21, and the cancellation of claim 37 and all of the claims withdrawn from consideration, applicants believe that the present application is in condition for immediate allowance. An early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

Application No. 10/003,310  
Reply to Office Action of November 16, 2004  
Docket No. 8015-1010

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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EJ/mjr

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**APPENDIX:**

The Appendix includes the following items:

- Replacement Sheet for Figure 3 of the drawings

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 3. This sheet, which includes Figure 3, replaces the previously-filed sheet including Figure 3.

Figure 3 is amended solely by replacing the original reference numeral "6" with combination reference numerals "6A/6". This conforms fully to the use of such reference numerals in the application as originally filed.

Attachment: Replacement Sheet